



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,604	02/07/2001	Paul Magee	D-1131 R	4603

28995 7590 05/05/2005

RALPH E. JOCKE
walker & jocke LPA
231 SOUTH BROADWAY
MEDINA, OH 44256

EXAMINER

COLBERT, ELLA

ART UNIT	PAPER NUMBER
----------	--------------

3624

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAILED

MAY 05 2005

GROUP 3600

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/778,604
Filing Date: February 07, 2001
Appellant(s): MAGEE ET AL.

Jocke, Ralph E., Reg. No. 31,029

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 02/02/05.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

There was not any Final Rejection given throughout the prosecution.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejection of claims 1-43 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

WO 98/24041	DRUMMOND et al	6-1998
5,589,855	BLUMSTEIN et al	12-1996
6,023,688	RAMACHANDRAN et al	02-2000

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-43 are rejected under 35 U.S.C. 102(b) and 103(a). This rejection is set forth in a prior Office Action, mailed on 09/08/04.

Claim Objections

Claim 15 is objected to because of the following informalities: Claim 15 one 2 reads "IR connector". What the "IR" stands for should be written out with the "IR" in parenthesis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by (WO 98/24041) Drummond et al, hereafter Drummond.

As a preliminary matter, claim 1 in the preamble should read "A computerized method comprising:".

Art Unit: 3624

1. Drummond teaches, A method comprising: a) storing in at least one data store in operative connection with at least one computer, data corresponding to a plurality of users, and for each one of the plurality of users, at least one characteristic feature and at least one interface parameter (page 8, lines 15-19, page 9, lines 10-15, page 15, lines 1-19, page 17, lines 2-27, figure 2 (58-computer), figure 3 (100, 122), and figure 12 (528 -data store)); b) sensing with a reading device in operative connection with an automated financial transaction apparatus, at least one characteristic feature of a user adjacent to the apparatus (page 11, lines 1-6, figure 2 (52 & 60 –card server); (78 – biometric scanner); (54 , 62, & 72 – cash dispenser), figure 9 (354 and 358) and figure 12 (512, 514, and 530)); c) determining through operation of the computer responsive to the at least one characteristic feature, the at least one interface parameter associated with the user in the data store (Page 16, lines 23-29, page 17, lines 1-3 and lines 15-23, and figure 12 (500 & 506)) ; d) moving through operation of the computer, a display screen included on the automated financial transaction apparatus with a moving device responsive to the at least one interface parameter associated with the user (page 26, lines 8-30 and page 27, lines 1-25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over (W0 98/24041) Drummond et al, hereafter Drummond in view of (US 5,589,855) Blumstein et al, hereafter Blumstein.

2. Drummond failed to teach, wherein in step (d) the display screen is moved to change a height of the display screen. Blumstein teaches, wherein in step (d) the display screen is moved to change a height of the display screen (col. 1, lines 41-43 and col. 3, lines 1-27). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the display screen moved to change the height of the display screen and to modify in Drummond because such a modification would allow Drummond to have an ATM that has been configured to make it accessible to handicapped individuals.

3. Drummond failed to teach, The method according to claim 1 wherein in step (d) the display screen is moved to change a tilt angle of the display screen. Blumstein teaches, the display screen is moved to change a tilt angle of the display screen (col. 3, lines 52-53). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the display screen moved to change the tilt angle of the display screen and to modify in Drummond because such a modification would allow Drummond to have an aid for the disabled user of the display screen and ATM machine.

4. Drummond and Blumstein failed to teach, The method according to claim 1 wherein in step (d) the display screen is moved to change both a height and a tilt angle of the display screen, but it would have been obvious to one having ordinary skill

in the art at the time the invention was made to have the display screen to be moved to change both a height and a tilt angle of the display screen and to modify in Drummond because such a modification would allow Drummond to have an ATM with the convenience and flexibility that enable disabled individuals to enjoy the freedom, equal access, and same opportunities that are available to non-disabled individuals both in the banking environment and other aspects of daily life.

5. Drummond teaches, The method according to claim 1 and further comprising: e) providing responsive to operation of the computer, at least one output through the display screen responsive to the at least one interface parameter associated with the user (page 29, lines 11-30, page 30, lines 1-16, page 33, lines 26-30, page 34, lines 1-30, page 35, lines 1-3 and lines 26-30, and page 36, lines 1-21).

6. Drummond teaches, The method according to claim 5 wherein in step (e) the at least one output includes text material, and wherein size of the text material included in the at least one output is determined responsive to the at least one interface parameter (page 37, lines 3-30, page 38, lines 1-30, and page 39, lines 1-8).

7. Drummond teaches, The method according to claim 5 wherein in step (e) the at least one output includes an icon, and wherein size of the icon included in the at least one output is determined responsive to the at least one interface parameter (page 39, lines 9-30 and page 40, lines 1-21).

8. Drummond teaches, The method according to claim 5 wherein in step (e) the at least one output includes text material, and wherein language of the text material

Art Unit: 3624

is determined responsive to the at least one interface parameter (page 16, lines 13-22 and page 18, lines 6-15).

9. Blumstein teaches, The method according to claim 5 wherein in step (e) the at least one output includes at least one numeral, and wherein size of the at least one numeral is determined responsive to the at least one interface parameter (col. 5, lines 35-53 and fig. 7).

10. Drummond teaches, The method according to claim 5 wherein in step (e) the at least one output includes at least two colors, and wherein at least one of the colors is determined responsive to the at least one interface parameter (page 20, lines 26-31 and page 21, lines 1-3).

11. Drummond teaches, The method according to claim 5 wherein in step (e) a sequence comprising a plurality of outputs is presented, and wherein the sequence is determined responsive to the at least one interface parameter (page 12, lines 1-28).

12. Drummond teaches, The method according to claim 1 and further comprising: e) controlling at least one audio output device in operative connection with the apparatus, responsive to the at least one interface parameter associated with the user (col. 2, lines 5-36 and col. 3, lines 1-12).

13. Drummond and Blumstein failed to teach, The method according to claim 12 wherein in step (e) the volume of the at least one audio output device is controlled responsive to the at least one interface parameter, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the volume of the at least one audio output device controlled responsive to the at least one

Art Unit: 3624

interface parameter and to modify in Drummond because such a modification would allow Drummond to have a phone that eliminates the need for visual prompts for the blind and the hearing impaired.

14. Drummond failed to teach, The method according to claim 12 and prior to step (e) further comprising the step of: connecting a portable audio output device associated with the user to a connector in operative connection with the apparatus. Blumstein teaches, connecting a portable audio output device associated with the user to a connector in operative connection with the apparatus (col. 3, lines 52-59). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a connecting portable audio output device associated with the user to a connector in operative connection with the apparatus and to modify in Drummond because such a modification would allow Drummond to aid a disabled user by responding to a touch which generates a sound indicating that the user has touch an undefined zone.

15. Drummond and Blumstein failed to teach, The method according to claim 14 wherein in the connecting step the connector includes an IR connector, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the connector to include and IR connector and to modify in Drummond because such a modification would allow Drummond to have control signals that are selected because of the availability of standard circuitry at a low cost.

16. Drummond failed to teach, The method according to claim 12 wherein step (e) includes making a handset accessible to the user. Blumstein teaches, making

Art Unit: 3624

a handset accessible to the user (col. 1, lines 39-41). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make a handset available to the user and to modify in Drummond because such a modification would allow Drummond to assist the hearing impaired individuals to perform nearly all banking using a touch-tone phone and eliminating the need for visual prompts by using an accessible volume control handset.

17. Drummond failed to teach, The method according to claim 12 wherein step (e) includes generating white noise through the at least one audio output device. Blumstein teaches, generating white noise through the at least one audio output device (col. 1, lines 39-41, col. 2, lines 18-36, and col. 3, lines 9-12). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include generating white noise through the at least one audio output device and to modify in Drummond because such a modification would allow Drummond to have sound cues or beeps in a similar way that current ATMs audibly interact with individuals who are not visually impaired.

18. Drummond failed to teach, The method according to claim 1 and further comprising: e) controlling at least one audio input device in operative connection with the apparatus, responsive to the at least one interface parameter associated with the user. Blumstein teaches, controlling at least one audio input device in operative connection with the apparatus, responsive to the at least one interface parameter associated with the user (col. 3, lines 54-59 and lines 64-67 and col. 4, lines 1-2). It would have been obvious to one having ordinary skill in the art at the time the invention

Art Unit: 3624

was made to have the controlling of at least one audio input device in operative connection with the apparatus, responsive to the at least one interface parameter associated with the user and to modify in Drummond because such a modification would allow Drummond to have a sound indicating that a user has touched the display screen in an undefined zone.

19. Drummond failed to teach, The method according to claim 18 wherein step (e) includes making a handset accessible to the user. Blumstein teaches, making a handset accessible to the user (col. 1, lines 39-41). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make a handset available to the user and to modify in Drummond because such a modification would allow Drummond to assist the hearing impaired individuals to perform nearly all banking using a touch-tone phone and eliminating the need for visual prompts by using an accessible volume control handset.

20. Drummond failed to teach, The method according to claim 1 and further comprising: e) activating input capability of at least one tactile input device in operative connection with the apparatus, responsive to the at least one interface parameter associated with the user. Blumstein teaches, activating input capability of at least one tactile input device in operative connection with the apparatus, responsive to the at least one interface parameter associated with the user (col. 3, lines 54-59 and lines 64-67 and col. 4, lines 1-2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have an activating input capability of at least one tactile input device in operative connection with the apparatus, responsive to the at least

one interface parameter associated with the user and to modify in Drummond because such a modification would allow Drummond to have a sound indicating that a user has touched the display screen in an undefined zone.

21. Drummond teaches, The method according to claim 20 wherein the tactile input device includes a keypad, wherein in step (e) inputs to the keypad are operative to control at least one transaction function device in operative connection with the computer (page 31, lines 4-10).

22. Drummond teaches, The method according to claim 21 wherein the at least one transaction function device is operative to dispense cash (page 9, lines 24-26).

23. Drummond teaches, The method according to claim 19 and further comprising: f) rendering the display screen inoperative to show transaction information responsive to the at least one interface parameter associated with the user (page 36, lines 12-13).

Claims 24-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over (W0 98/24041) Drummond et al, hereafter Drummond in view of (US 5,589,855) Blumstein et al, hereafter Blumstein in further view of (US 6,023,688) Ramachandran et al, hereafter Ramachandran.

24. Drummond and Blumstein failed to teach, The method according to claim 1 wherein in step (a) the at least one characteristic feature for each user corresponds to

Art Unit: 3624

an appearance feature. Ramachandran teaches, the at least one characteristic feature for each user corresponds to an appearance feature (col. 6, lines 59-67 and col. 8, lines 32-38). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the at least one characteristic feature for each user correspond to an appearance feature and to modify in Drummond because such a modification would allow Drummond to have facial recognition by obtaining the image input signals corresponding to the appearance of the user's face, head and/or upper body and storing the data in a data store for future use.

25. Drummond and Blumstein failed to teach, The method according to claim 24 wherein in step (a) the appearance feature includes at least one feature of facial appearance. Ramachandran teaches, the appearance feature includes at least one feature of facial appearance (col. 4, lines 30-36). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the appearance feature include at least one feature of facial appearance and to modify in Drummond because such a modification would allow Drummond to have an identification means that can identify a user through their appearance and voice inputs and requires no card or PIN data to accomplish a banking transaction.

26. Drummond and Blumstein failed to teach, The method according to claim 24 wherein in step (a) the appearance feature includes eye appearance. Ramachandran teaches, the appearance feature includes eye appearance (col. 1, lines 59-65). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the appearance feature include eye appearance and to

modify in Drummond because such a modification would allow Drummond to have an authorized user identified by a unique pattern associated with the iris of their eyes when operating a financial transaction machine.

27. Drummond and Blumstein failed to teach, The method according to claim 24 wherein in step (a) the appearance feature includes at least a portion of at least one fingerprint. Ramachandran teaches, the appearance feature includes at least a portion of at least one fingerprint (col. 1, lines 51-59). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the appearance feature include at least a portion of at least one fingerprint and to modify in Drummond because such a modification would allow Drummond to have an means of identifying a user as a proper user of the financial transaction machine without requiring an encoded card and PIN data to be used for identification.

28. Drummond and Blumstein failed to teach, The method according to claim 24 wherein in step (a) at least one characteristic feature for each user corresponds to both an appearance feature and a voice feature. Ramachandran teaches, at least one characteristic feature for each user corresponds to both an appearance feature and a voice feature (col. 4, lines 30-40). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have at least one characteristic feature for each user correspond to both and appearance feature and a voice feature and to modify in Drummond because such a modification would allow Drummond to have the capability to identify the user through their appearance and voice inputs

Art Unit: 3624

without requiring the use of a card or PIN data to accomplish a transaction at a financial transaction machine.

29. Drummond and Blumstein failed to teach, The method according to claim 1 wherein in step (a) the at least one characteristic feature for each user includes data included on an article adapted to be carried by the user. Ramachandran teaches, the at least one characteristic feature for each user includes data included on an article adapted to be carried by the user (col. 3, lines 35-46). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify in Drummond because such a modification would allow Drummond to have user data corresponding to the user such as a unique number which may be a social security number or account number with the data further including data corresponding to an appearance feature of the user.

30. Drummond and Blumstein failed to teach, The method according to claim 29 wherein in step (a) the data corresponds to an account number associated with the user. Ramachandran teaches, the data corresponds to an account number associated with the user (col. 3, lines 39-41 and col. 7, lines 8-13). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the data correspond to an account number associated with the user and to modify in Drummond because such a modification would allow Drummond to have an identity number that is unique such as a social security number or account number that corresponds to a user's appearance feature.

31. Drummond and Blumstein failed to teach, The method according to claim 1 wherein in step (a) at least one characteristic feature of each user corresponds to a voice feature of the user. Ramachandran teaches, at least one characteristic feature of each user corresponds to a voice feature of the user (col. 7, lines 1-7). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have at least one characteristic feature of each user correspond to a voice feature of the user and to modify in because such a modification would allow Drummond to have the user's voice with a particular characteristic and a particular password that is selected by the user and to be generated and stored using automatic speech recognition software.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 32, 37, and 38-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,023,688) Ramachandran et al, hereafter Ramachandran.

32. Ramachandran teaches, An automated financial transaction apparatus comprising: a reading device operative to sense at least one characteristic feature usable to identify a user (col. 8, lines 18-52); a movably mounted display screen; a movement mechanism in operative connection with the display screen (col. 5, lines 36-39); at least one computer in operative connection with at least one data store, the

Art Unit: 3624

reading device and the movement mechanism, wherein the data store includes data corresponding to a plurality of users, and for each of the plurality of users, an associated at least one characteristic feature and at least one interface parameter (col. 5, lines 5-11 and lines 39-42); wherein the computer is operative to cause the movement mechanism to move the display screen responsive to at least one interface parameter associated in the data store with a first user among the plurality of users, responsive to the reading device sensing the at least one characteristic feature associated in the data store with the first user (col. 5, lines 5-14 and lines 36-64, col. 6, lines 63-67, and col. 9, lines 31-47). Ramachandran did not specifically disclose a movable mounted display screen. However, Ramachandran does disclose a camera that serves as an imaging device which produces image signals which is movable and can be used to perform this step.

37. This independent claim is rejected for the similar rationale as given above for claim 32.

38. This independent claim is rejected for the similar rationale as given above for claims 32 and 37.

39. Ramachandran teaches, The apparatus according to claim 38 and further comprising a movement mechanism, and wherein the computer is operative when the display screen is to be operated, to cause the movement mechanism to move the display screen responsive to the determined at least one first user interface parameter (col. 5, lines 5-7 and lines 36-39 and lines 47-57).

40. Ramachandran did not specifically teach, The apparatus according to claim 39 wherein the movement mechanism changes an angle of view of the display screen. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the movement mechanism change an angle of view of the display screen and to modify in Ramachandran in view of his teachings of a camera with an imaging device that produces image input signals when a user is positioned adjacent to the machine (changing an angle of view of the display screen).

41. Ramachandran teaches, The apparatus according to claim 38 wherein the at least one characteristic feature comprises a biometric input (col. 10, line 17-25).

42. Ramachandran teaches, The apparatus according to claim 38 wherein the at least one characteristic feature comprises a wireless signal from a portable device (col. 10, lines 38-67).

43. Ramachandran failed to teach, The apparatus according to claim 40 wherein the movement mechanism changes vertical height of the display screen, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the movement mechanism change vertical height of the display screen and to modify in Ramachandran because such a modification would allow Ramachandran to have a customer sensor terminal that any disabled or ordinary (tall or short) individual can use at a financial transaction machine.

Claims 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,023,688) Ramachandran et al, hereafter Ramachandran in view of (W0 98/24041) Drummond et al.

33. Ramachandran teaches, The apparatus according to claim 32 wherein the movement mechanism enables changing the height and tilt angle of the display screen. and wherein the height and tilt angle are changed through operation of the computer responsive to the at least one interface parameter associated with the first user (col. 1, lines 28- col. 2, lines 1-9, figure 1 (32, 50, and 68).

34. Ramachandran failed to teach, The apparatus according to claim 32 and further comprising a tactile input device and a transaction function device, the transaction function device including at least one of a cash dispenser and a cash acceptor, and wherein the computer is operative responsive to the at least one interface parameter to enable the transaction function device to operate responsive to at least one input to the tactile input device. Drummond teaches, The apparatus according to claim 32 and further comprising a tactile input device and a transaction function device, the transaction function device including at least one of a cash dispenser and a cash acceptor, and wherein the computer is operative responsive to the at least one interface parameter to enable the transaction function device to operate responsive to at least one input to the tactile input device (page 21, lines 1-19). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a tactile input device and a transaction function device, the transaction function device including at least one of a cash dispenser and a cash acceptor, and wherein the computer is

Art Unit: 3624

operative responsive to the at least one interface parameter to enable the transaction function device to operate responsive to at least one input to the tactile input device and to modify in Ramachandran because such a modification would allow Ramachandran to have a touch screen for the customer inputs to make a selection which corresponds to the dispense cash, which is a common transaction at an automated banking machine.

35. Ramachandran failed to teach, The apparatus according to claim 32 and further comprising an audio input device, and a transaction function device, wherein the transaction function device includes at least one of a cash dispenser and a cash acceptor, and wherein the computer is operative responsive to the at least one interface parameter to cause the transaction function device to operate responsive to at least one input to the audio input device. Drummond teaches, an audio input device, and a transaction function device, wherein the transaction function device includes at least one of a cash dispenser and a cash acceptor, and wherein the computer is operative responsive to the at least one interface parameter to cause the transaction function device to operate responsive to at least one input to the audio input device (page 4, lines 27 –page 5, line 30, page 6, lines 24-26, and page 9, lines 22-29). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have an audio input device, and a transaction function device, wherein the transaction function device includes at least one of a cash dispenser and a cash acceptor, and wherein the computer is operative responsive to the at least one interface parameter to cause the transaction function device to operate responsive to at least one input to the audio input device and to modify in Ramachandran in view of his teachings

Art Unit: 3624

of an audio input device in col. 3, lines 4-7, col. 5, lines 36-52, and col. 6, lines 43-46 and because such a modification would allow Ramachandran to have an automated banking machine that includes an output device and an input device such as a touch screen and a dispenser mechanism for sheets of currency that are used by the machine to accomplish banking transactions.

30. Ramachandran teaches, The apparatus according to claim 32 wherein the reading device includes an imaging device, wherein the characteristic feature sensed by the reading device includes an appearance feature of a user (col. 4, lines 30-36, col. 5, lines 7-14, and col. 6, lines 54-67).

(11) Response to Arguments

Prior to providing responses to each of the Arguments, the Examiner notes: The invention as claimed in each of the pending claims is directed to automated financial transaction machines that included a user interface. The Drummond reference is classified in G06F 17/60 of the International Patent classification system, which is considered to be one of the relevant areas of search for financial transaction machines including a user interface. The Blumstein reference is classified in class 345, subclass 173 of the U.S. Patent classification system, which is considered to be one of the relevant areas of search for financial transaction machines including a user interface. The Ramachandran et al reference is classed in class 705, subclass 44 of the U.S. Patent classification system, which is one of the relevant areas of search of financial transaction machines including a user interface.

For all other issues please refer to the rejection.

The following arguments are relevant:

Appellants' argument no. 1, page 12, paragraph 1:

Drummond does not anticipate claim 1. The relied upon sections of Drummond do not teach the recited steps. For example, where does Drummond teach moving a display screen in the manner recited in step (d)? Where does Drummond teach the features and relationships of storing data corresponding to a characteristic feature and an interface parameter for each of a plurality of users; responsive to sensing a characteristic feature of a user, determining a stored interface parameter associated with the user; and responsive to the interface parameter, moving a display screen with a moving device?

In response to Appellants' argument where does Drummond teach moving a display screen in the manner recited in step (d). Applicants' claim limitation d) recites "moving through operation of the computer, a display screen included on the automated financial transaction apparatus with a moving device responsive to the at least one interface parameter associated with the user". Broadly interpreted as "moving through operation of the computer" ("... transaction was with a customer of the institution that operates the computer 14" –page 26, lines 18-19) a display screen included in the automated financial transaction apparatus – page 25, line 27 –page 26, line 1 –"... transaction. A ... screen prompting the customer (user) in this regard is displayed on a touch screen 30"). Drummond teaches throughout the reference that the financial transaction device is an ATM machine (see page 27, lines 4-6); a moving device responsive to at least one interface parameter ("... operated under the control of a

Art Unit: 3624

home server ... where the customer inputs their card ... passes the message to the Wide Area Network” –page 27, lines 4-15 and fig. 19 shows a touch screen –“user interface”, a keyboard, and a card reader.

Where does Drummond teach the features and relationships of storing data corresponding to a characteristic feature and an interface parameter for each of a plurality of user's responsive to sensing a characteristic feature associated with a user; and responsive to the interface parameter, moving a display screen with a moving device? Claim 1 recites “A method comprising: a) storing in at least one data store in operative connection with at least one computer, data corresponding to a plurality of users, and for each one of the plurality of users, at least one characteristic feature and at least one interface parameter; b) sensing with a reading device in operative connection with an automated financial transaction apparatus, at least one characteristic feature of a user adjacent to the apparatus; c) determining through operation of the computer responsive to the at least one characteristic feature, the at least one interface parameter associated with the user in the data store; d) moving through operation of the computer, a display screen included on the automated financial transaction apparatus with a moving device responsive to the at least one interface parameter associated with the user. It is not interpreted that claim 1 recites the features of “storing data corresponding to a characteristic feature and an interface parameter for each of a plurality of user's responsive to sensing a characteristic feature associated with a user; and responsive to the interface parameter, moving a display screen with a

Art Unit: 3624

moving device". However, it is interpreted that claim 1 is taught by Drummond on the pages and line numbers as rejected above.

Appellants' argument no. 2, page 13, paragraph 1: To establish a *prima facie* obviousness, it must be shown that all elements and relationships recited in the claim are known in the prior art. If the Office does not produce a *prima facie* case, then the appellants are under no obligation to submit evidence of nonobviousness. MPEP 2142.

In response to Appellants' argument, as for the motivation, "Rationale may be in a reference or reasoned from common knowledge in the art, scientific principles, art-recognized equivalents, or legal precedent". The reason or motivation to modify the reference may often suggest what the inventor has done but for a different purpose or to solve a different problem. It is not necessary to achieve the same advantage or result discovered by Applicants'. *In re Linter*, 458 F.2d 1013, 173 USPQ 560 (CCPA 1972). See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992); *In re Nilssen*, 851 F.2d 1401, 1403, 7 USPQ2d 1500, 1502 (Fed. Cir. 1988) (references do not have to explicitly suggest combining teachings); and *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993) (reliance on logic and sound scientific reasoning). MPEP 2144.

Appellants' argument no. 3, page 14, paragraph 2: The only suggestion for recited features and relationships is found in Appellants' own novel disclosure.

In response to Appellants' argument that the Examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the Appellants' disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). The Blumstein et al reference in col. 1, lines 8-49 discusses individuals with disabilities (disabled individuals). Therefore, the Examiner does not consider the obviousness to be based on hindsight reasoning. Furthermore, the references used in the rejection are to be read in their entirety and not only the columns and line numbers cited by the Examiner.

Appellants' argument no. 4, page 15, paragraph 2: Blumstein cannot alleviate the admitted deficiencies of Drummond as it does not teach or suggest the recited features which are not found in Drummond. Where in the relied upon sections (col. 1, lines 41-43 and col. 3, lines 1-27) of Blumstein is there a teaching or suggestion of moving a display screen to change a height of the display screen especially with a moving device responsive to at least one interface parameter?

In response to Appellants' argument, Blumstein in col. 1, lines 41-43 reads "ATMs also have been configured to make them accessible to individuals in

Art Unit: 3624

wheelchairs". This is interpreted that the ATM screen and other parts of an ATM can be adjusted for disabled individuals in wheelchairs or with other disabilities.

Appellants' argument no. 5, page 15, paragraph 4: The Action admits that Drummond fails to teach moving a display screen to change a tilt angle of the display screen.

Blumstein does not teach or suggest the features that are admitted to be absent from Drummond in claim 3. "Where does Blumstein mention "tilt"? The Office has not established a *prima facie* showing of obviousness.

In response to Appellants' argument, Blumstein reads "As a means of assisting screen orientation, ...". This is interpreted that the screen in Blumstein can be adjusted. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the display screen moved to change the tilt angle of the display screen and to modify in Drummond because such a modification would allow Drummond to have an aid for the disabled user of the display screen and ATM machine.

Appellants' argument no. 6, page 16, paragraph 2 : The Action admits that both Drummond and Blumstein fail to teach or suggest moving a display screen to change both a height and a tilt angle of the display screen and no other reference has been applied. The Action's assertions are not based on any evidence in the record and the rejection lacks substantial evidence support.

In response to Appellants' argument, Drummond and Blumstein failed to teach, wherein in step (d) the display screen is moved to change both a height and a tilt angle of the display screen, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the display screen to be moved to change both a height and a tilt angle of the display screen and to modify in Drummond because such a modification would allow Drummond to have an ATM with the convenience and flexibility that enable disabled individuals to enjoy the freedom, equal access, and same opportunities that are available to non-disabled individuals both in the banking environment and other aspects of daily life. See Blumstein in col. 1, lines 27-31 for the motivational support.

Appellants' argument no. 7, page 16, paragraph 4: As previously discussed (e.g., claim 1 remarks), Drummond does not teach or suggest step (d). It follows that Drummond cannot teach or suggest step (e), which is "responsive to" step (d)'s "operation of the computer". Blumstein also does not teach or suggest the recited features and relationships.

In response to Appellants' arguments, Drummond teaches, e) providing responsive to operation of the computer, at least one output through the display screen responsive to the at least one interface parameter associated with the user (page 29, lines 11-30 – "... communicate to the user through the touch screen ... (output through the display screen responsive to at least one interface parameter associated with the

Art Unit: 3624

user) used by the customers of the institution that operates the computer system” (operation of the computer), page 30, lines 1-16, page 33, lines 26-30, page 34, lines 1-30, page 35, lines 1-3 and lines 26-30, and page 36, lines 1-21).

Appellants’ argument no.8, page 16, paragraph 5: Drummond does not teach or suggest the recited features and relationships, especially at the relied upon sections. The references, taken alone or in combination, further do not teach or suggest that the size of the text material is determined responsive to at least one interface parameter in the manner recited.

In response to Appellants’ argument, Drummond teaches, the at least one output includes text material, and wherein size of the text material included in the at least one output is determined responsive to the at least one interface parameter (page 37, lines 3-30 (“... banking machine comprises one device, the device being one of a printer mechanism, a card reader mechanism or a depository mechanism, and wherein the device is operative responsive to the device application portion of the software, and wherein the device is operative responsive to receipt of a device instruction by the HTML document handling portion”), page 38, lines 1-30 (“20. The ... software id operative to send a message to the home address in response to user input at said input device.”), and page 39, lines 1-8).

Appellants’ arguments no. 9, page 17, paragraphs 1-5 and page 18, paragraphs 1-4:

The references, taken alone or in combination, further do not teach that the size of an

icon is determined responsive to at least one interface parameter, that the language of text material is determined responsive to at least one interface parameter, that the size of a numeral is determined responsive to at least one interface parameter, that a color is determined responsive to at least one interface parameter, and that a sequence of outputs is determined responsive to at least one interface parameter, controlling an audio output device responsive to at least one interface parameter, the volume of an audio output device is controlled responsive to at least one interface parameter, and connecting a portable audio output device device to a connector in the manner recited in claims 7-14.

In response to Appellants' arguments, Drummond teaches the size of an icon is determined responsive to at least one interface parameter on page 5, lines 10-15 ("... in connection with the output device to display screen ... indicators. The ... input device which enables user selection Response messages from the computer"). Drummond does teach on page 16, lines 6-9 that a customer has touched the icon on the screen. It is well known in the computer art that icons can be sized according to the user's preferences. The language of text material is determined responsive to at least one interface parameter is interpreted as being taught in Drummond at page 12, lines 26-29 ("... displays a screen which includes an icon which indicated one or more languages that commence a transaction a user should touch the screen") and on page 16, lines 9-11 ("The message is preferably an HTML document which produces a screen instructing the customer ..."). The reference, pages, lines, and figure 28 are in error

Art Unit: 3624

concerning the claim limitation "that the size of a numeral is determined responsive to at least one interface parameter". The corrected reference, column, lines, and figure number should be as follows: Blumstein, col. 5, lines 35-53 and fig. 7. It is interpreted that Drummond teaches, the claim limitation "a color is determined responsive to at least one interface parameter" is taught on page 20, lines 26-31 ("... the customer's personal "home page" with the institution that operates the computer system. As such, it is not only something the user is familiar with, but is ideally tailored to the user's particular transaction needs"). This is interpreted as the customer's "home page" being customized according to color preferences. Drummond teaches, a sequence of outputs is determined responsive to at least one interface parameter on page 12, lines 2-11 ("The instructions that are executed by the computer in JAVA script are preferably embedded JAVA script commands included in HTML documents which are received through the browser"). The Drummond reference with pages and lines is in error for the claim limitation "controlling an audio output device responsive to at least one interface parameter". Blumstein teaches controlling an audio output device responsive to at least one interface parameter in col. 2, lines 5-36 and col. 3, lines 1-12. Drummond and Blumstein failed to teach the volume of the audio output device is controlled responsive to at least one interface parameter. The motivational obviousness is found in the Blumstein reference in col. 1, lines 35-43. Drummond failed to teach connecting a portable audio output device to a connector. Blumstein teaches connecting a portable audio output device to a connector in col. 3, lines 52-59. The motivation for this claim limitation is found in the Blumstein reference in col. 4, lines 24-28.

Appellants' argument no. 10, page 18, paragraph no. 5: The action admits that both Drummond and Blumstein fail to teach or suggest that the connector of (claim 14) includes an IR connector. The rejection lacks substantial evidence support.

In response to Appellants' argument, the Appellants' have failed to respond to the Examiner's objection to this acronym (IR). The best that the Examiner can determine without this response what the Examiner considers to be that which is well known in the art of circuitry involving control signals to select the control signals because of the availability of the standard of circuitry at a low cost.

Appellants' arguments no. 11, page 18, paragraph 6, page 19, paragraphs 1-5, and page 20, paragraphs 1-3: The applied art is devoid of any such teaching, suggestion, or motivation for combining features of the references so as to produce to make a handset accessible to a user, generating white noise, at least one audio input device responsive to at least one interface parameter, activating input capability of a tactile input device responsive to at least one interface parameter, activating input capability of a tactile input device including a keypad responsive to at least one interface parameter, and rendering the display screen inoperative to showing transaction information responsive to at least one interface parameter.

In response to Appellants' arguments for claims 16-23, the Examiner disagrees with the Appellants' assertion that the references do not teach producing to

make a handset accessible to a user, generating white noise, at least one audio input device responsive to at least one interface parameter, activating input capability of a tactile input device responsive to at least one interface parameter, activating input capability of a tactile input device including a keypad responsive to at least one interface parameter, and rendering the display screen inoperative to showing transaction information responsive to at least one interface parameter. In response to Appellants' argument that there is no suggestion to combine the references, the Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Blumstein teaches, making a handset accessible to the user in col. 1, lines 39-41; generating white noise in col. 1, lines 39-41, col. 2, lines 18-36, and col. 3, lines 9-12 ("sound cues or beeps in a similar way that current ATMs audibly interact with individuals who are not visually impaired" – col. 2, lines 18-21); controlling at least one audio input device responsive to at least one interface parameter in col. 3, lines 54-59 and lines 64-67 and col. 4, lines 1-2 ("...in response to touch generates a "normal boop" sound ..." col. 3, lines 54-58); and activating input capability of a tactile input device responsive to at least one interface parameter in col. 3, lines 54-59 and lines 64-67 and col. 4, lines 1-2 (a touch screen is an input device as shown in fig. 7). Drummond teaches activating input capability of a

Art Unit: 3624

tactile input device including a keypad responsive to at least one interface parameter on page 4, lines 27-30 (“... includes an output device such as display screen, and an input device such as a touch screen or a keyboard”); inputs to the keypad are operative to control at least one transaction function device operative to dispense cash on page 9, lines 24-26 (“Devices 36 further include a sheet dispenser mechanism 42 which is operative to dispense sheets, which in the preferred form of the invention are currency or bank notes”); rendering the display screen inoperative to showing transaction information responsive to at least one interface parameter on page 36 lines 12-13 (“... dispense instruction is an embedded instruction”).

Appellants’ arguments no. 12, page 21, paragraphs 1-4, page 22, paragraphs 1-4: Where do the references teach or suggest a link between an appearance feature of a user and moving a display screen, a link between facial appearance and moving a display screen, a link between eye appearance and moving a display screen, a link between a fingerprint and moving a display screen, a link between both an appearance feature and a voice feature to moving a display screen, at least one characteristic feature for each user includes data included on a user-carryable article, a link between user-carryable article data and moving a display screen, a link between account number data included on a user-carryable article and moving a display screen, and a link between a user voice feature and moving a display screen. Claims 24-31 in response to Appellants’ arguments that the references fail to show certain features of applicant’s invention, it is noted that the features upon which applicant relies (i.e., “a link between”

Art Unit: 3624

and “a moving display screen”) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Ramachandran teaches an appearance feature of a user in col. 4, lines 30-36 (“... the apparatus is capable of identifying the user through their appearance ...”); facial appearance in col. 6, lines 59-67 and col. 8, lines 32-38 (“... includes and appearance feature of each authorized user ... the face and/or upper torso of a user ...”); eye appearance in col. 1, lines 59-65 (“Others ... the use of iris scan technology ..”), a fingerprint in col. Col. 1, lines 51-59 (“Other means ... the use of finger print reading technology, whereby a user’s finger prints may be read electronically ...”); both an appearance feature and a voice feature in col. 4, lines 30-40 (“... identifying the user through their appearance and voice inputs, ...”); at least one characteristic feature for each user includes data included on a user-carryable article in col. 3, lines 35-46 (“The user data includes for each user, identity data corresponding to the user such as a unique number, which may be a social security number or account number” and fig. 3 (166) -shows processing card data), account number data included on a user-carryable article in col. 3, lines 39-41 and col. 7, lines 8-13 and fig. 3 (166) shows processing card data (“The account number associated with each user ...”); and a user voice feature in col. 7, lines 1-7 (“... characteristics of an authorized user’s voice ...”).

Art Unit: 3624

Appellants' argument no. 13, page 23, paragraphs 1 and 2, claim 32: Where does Ramachandran teach or suggest an automated financial transaction apparatus with the structural ability to cause a movement mechanism to move a display screen in response to an interface parameter, where the interface parameter was associated with a user in response to the sensing of a characteristic feature associated with the user? The Action admits (on page 15) that Ramachandran does not teach or suggest "a movable mounted display screen and no other reference has been applied.

In response to Appellants' arguments, Ramachandran does disclose a camera that serves as an imaging device which produces image signals which is movable and can perform this limitation. A camera is considered analogous art for such a movable mechanism and has similar capabilities in movement.

Appellants' argument no. 14, page 24 paragraphs 1-3, claims 37 and 38 : For reasons previously discussed, Ramachandran does not teach or suggest the recited apparatus and in claim 38 where does Ramachandran teach or suggest an automated financial transaction apparatus that has the structural ability to receive data indicative of a user characteristic feature and responsive thereto, determine a user interface parameter and cause the display screen to selectively either operate or not operate responsive to the user interface parameter.

In response to Appellants' arguments, an automated financial transaction apparatus that has the structural ability to receive data indicative of a user characteristic feature and responsive thereto, determine a user interface parameter and cause the display screen to selectively either operate or not operate responsive to the user interface parameter has been discussed above in arguments 1-13 and no further discussion is considered needed.

Appellants' argument no. 15, page 25, paragraphs 1-4, claims 39-42 and page 26, paragraphs 1 and 2, claim 43: As previously discussed, Ramachandran does not teach or suggest a display screen movement mechanism and where does Ramachandran even teach or suggest a display screen that can be moved, a movement mechanism that can change an angle of view of a display screen, an automated financial transaction apparatus with the ability to receive data related to at least one user characteristic feature and responsive thereto cause a display screen to selectively either operate or not operate responsive to at least one user interface parameter corresponding to the at least one characteristic feature, especially where the at least one characteristic feature comprises a biometric input.

In response to Appellants' arguments, these arguments have been discussed above in the responses to arguments 1-13 and no further discussion is considered to be needed. Further, the response to claim 43 includes the movement mechanism changes

vertical height of the display screen was not taught by Ramachandran and the motivational obviousness is found in the Ramachandran reference.

Appellants' argument no. 16, page 26, paragraph 4, claim 33 and page 27, paragraphs 1-3 claims 34-36: Where in the references do they teach or suggest the recited movement mechanism and where do the references teach or suggest enabling changing the height and tilt angle of a display screen responsive to at least one interface parameter associated with a user, responsive to at least one interface parameter, enabling operation of a transaction function device (including at least one of a cash dispenser and a cash acceptor) responsive to at least one input to a tactile input device, responsive to at least one interface parameter, causing operation of a transaction function device (including at least one of a cash dispenser and a cash acceptor) responsive to at least one input to an audio input device, and the ability to sense a characteristic appearance feature of a user with a reading device including an imaging device and the ability to move a display screen responsive to the reading device sensing.

In response to Appellants' arguments, Ramachandran teaches a movement mechanism enabling changing the height and tilt angle of a display screen responsive to at least one interface parameter associated with a user in col. 1, line 28-col.2, line 9 and fig. 1 (32, 50, 68). Drummond teaches responsive to at least one interface parameter, enabling operation of a transaction function device (including at least one of a cash

dispenser and a cash acceptor) responsive to at least one input to a tactile input device on page 21, lines 1-19 ("... transaction by a customer ... the customer inputs at the touch screen 30 a selection which corresponds to the dispense of cash"). If the apparatus is capable of dispensing cash the apparatus is also capable of accepting cash. Drummond teaches responsive to at least one interface parameter, causing operation of a transaction function device (including at least one of a cash dispenser and a cash acceptor) responsive to at least one input to an audio input device on page 4, line 27-page 5, line 30, page 6, lines 24-26, and page 9, lines 22-29 ("... an automated banking machine that includes an output device such as a display screen, and an input device such as a touch screen or a keyboard", a dispenser mechanism for sheets of currency, a printer mechanism, a card reader/writer, a depository mechanism and other physical devices that are used by the machine to accomplish banking transactions"), and Ramachandran teaches the ability to sense a characteristic appearance feature of a user with a reading device including an imaging device and the ability to move a display screen responsive to the reading device sensing in col. 4, lines 30-36, col. 5, lines 7-14, and col. 6, lines 54-67 ("... identifying the user through their appearance and voice inputs .. to accomplish such transactions. ... input devices including a keypad 38 and a card reader 40 are included in the machine 32. The user identity data preferably includes identity data which identified particular users of the system. The user identify data preferably includes image data corresponding to an appearance feature of each authorized user which can be detected by the camera 50 viewing the face and/or upper torso of a user adjacent to the machine").

For the above reasons, it is believed that the rejections should be sustained.

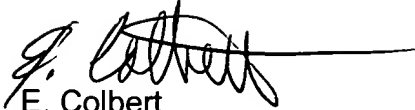
Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday-Thursday, 6:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,


E. Colbert
April 19, 2005

Conferees

(1) SPE



Vincent Millin

(2) Primary

Richard Wiesberger



RALPH E. JOCKE
walker & jocke LPA
231 SOUTH BROADWAY
MEDINA, OH 44256